

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RANDY SWINSON,

Petitioner,

-against-

CY VANCE; CYNTHIA BRANN; JOSEPH  
FUCITO,

Respondents.

20-CV-3091 (LLS)

ORDER OF DISMISSAL

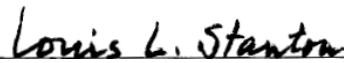
LOUIS L. STANTON, United States District Judge:

By order dated April 27, 2020, the Court held that even if Petitioner could still be considered in custody on his 2013 New York County conviction, his petition for a writ of *habeas corpus* under 28 U.S.C. § 2254 challenging that conviction appeared to be untimely. The Court directed Petitioner to file a declaration within sixty days showing cause why the petition should not be dismissed as time-barred.<sup>1</sup> That order specified that failure to comply would result in dismissal of the petition as time-barred.

Petitioner has not filed a declaration or otherwise responded. Accordingly, the petition, filed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1), is dismissed as time-barred. The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket.

SO ORDERED.

Dated: August 3, 2020  
New York, New York

  
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Louis L. Stanton  
U.S.D.J.

<sup>1</sup> The Clerk's Office mailed the order to Petitioner on June 5, 2020, and according to public records, he remains incarcerated at the Manhattan Detention Complex.